

HONORABLE RONALD B. LEIGHTON

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

ANGELA OLSON, a single woman,

No. C07-5355RBL

Plaintiff,

V.

SEPTODONT, INC., BURKHART
DENTAL, INC., REEVE BURKHART
DENTAL SUPPLY COMPANY,
BURKHART DENTAL SUPPLY
COMPANY, AND JOHN DOES 1-5,

**ORDER DENYING DEFENDANT
SEPTODONT'S MOTION TO
RECONSIDER**

Defendants.

THIS MATTER is before the Court on Defendant Septodont's Motion to Reconsider the Court's Order granting plaintiff's Motion for Remand. The Court has reviewed the motion and the entirety of records and files herein.

Under this Court’s Local Rules, “[m]otions for reconsideration are disfavored[]” and will be denied unless there is “a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to [the Court’s] attention earlier with reasonable diligence.” CR7(h)(1), Local Rules W.D. Wash.

Notwithstanding Defendant Septodont's evidence that it is solvent, Defendant Septodont has not met its burden to show a manifest error in this Court's prior ruling based on other grounds. Defendant Septodont argues that the statute was misconstrued by the Court because the legislative history indicates that the purpose of the statute was to limit product seller liability. However, while the report of the Senate Select Committee on Tort and Product Liability Reform indicates a desire to limit liability for product sellers, it did not intend to dispose of it: "This section...relieves a non-manufacturing product seller of such liability *except in certain*

1 *limited situations.*" (emphasis added) Senate Journal, 47th Legislature (29810, at 632). Also, Defendant
2 Septodont contends that plaintiff's evidence before the Court is insufficient to establish negligence against
3 Burkhart. However, this Court would not be prepared to enter a summary judgment motion in favor of
4 Burkhart based on this evidence; therefore, the Court is not prepared to say that Burkhart was fraudulently
5 joined.

6 Moreover, Defendant Septodont has not raised any new facts or legal arguments with regard to Ms.
7 Olson's claims under RCW 7.71.040(1).

8 IT IS HEREBY ORDERED that Septodont's Motion for Reconsideration is DENIED.

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10 Dated this 16th day of October 2007.

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12 Ronald B. Leighton
13 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

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